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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

CRIMINAL APPEAL NO. -1034 /2002.

APPELANT (IN JAIL)	:	**SHEKH HUSAIN S/O PEETRAYDU** AGE 22-YEAR R/O BAILPUDI P.S. BAILPUDI DIS.VISHAKHAPATTNAM (ANDHRAPRADESH)

VERSUS

RESPONDENT	:	**STATE OF CHHATTISGARH.**

[redacted] Advocate

MEMO OF CRIMINAL APPEAL U/S 374 (2) OF CR.P.C.

XI-HC-22

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A./1034/02 सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	06.01.2006 Appellant by Shri S.K.Mishra, Advocate. Shri Utkarsh Verma, Dy. G.A. for the state. Heard. This appeal is directed against the judgment dated 30.08.2002 delivered in special case No.8/2001 by Shri T.P.Sharma, Special Judge and Addl. Sessions Judge, Durg whereby the appellant was convicted under Section 20(B)(1) of the Narcotic Drugs & Psychotropic Substances Act, 1985 for having been found in possession of 13 kg. *ganja* and was sentenced to R.I. for three years and a fine of Rs.20,000/- and in default to undergo R.I. for one and half years. Shri S.K.Mishra, learned counsel for the appellant has stated that he does not assail the conviction of the appellant for offence under Section 20(B)(1) of the N.D.P.S. Act since the appellant has already undergone the substantive sentence of R.I. for three years. His only submission is that the appellant is a very poor person and is unable to pay the fine amount, therefore, leniency should be shown to the appellant while considering the sentence awarded in default of payment of fine. Shri Utkarsh Verma, on the other hand, opposed the aforesaid prayer. Having considered the rival submissions and after perusal of the record, this appeal is partly allowed. The conviction of the	

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	appellant under Section 20(B)(1) of N.D.P.S. Act, 1985 and the substantive sentence of rigorous imprisonment for three years and fine of Rs.20,000/- is maintained. However, the sentence awarded in default of payment of fine is modified and it is directed that in case of default of payment of fine, the appellant shall undergo R.I. for six months. Certified copy as per rules. Sd/- DILIP RAOSAHEB DESHMUKH Judge	

Arjun

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